

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:
All Actions

**PRETRIAL ORDER NO. 4:
Scheduling Order**

On March 24, 2016, the Court held a status conference. In advance of the conference, the parties each submitted a proposed scheduling order and supporting materials. After carefully considering the parties' submissions and positions, pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in the interests of justice, efficiency, and fairness, the Court hereby orders that the following schedule shall govern this Consolidated Action. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3. Unless otherwise specified herein, the parties are also directed to comply with the Federal Rules of Civil Procedure and the Local Rules of this Court.

1. The parties shall submit a proposed protective order and ESI protocol on or before April 29, 2016.
2. Initial disclosures required by Rule 26(a)(1) that pertain to the issue of general causation shall be completed on or before April 29, 2016.
3. Master Long Form and Master Short Form Complaints shall be filed and served on or before April 29, 2016.
4. A "Science Day" educational tutorial will be held off the record on May 19, 2016, to last no longer than 4 hours.
5. Answer(s) to the Master Long Form Complaint may be filed no later than July 8, 2016.
6. Motion(s) to dismiss claims or parties in the Master Long Form Complaint may be filed no later than July 8, 2016.
7. Plaintiffs may amend the Master Long Form and Master Short Form Complaints without leave of Court on or before July 29, 2016.

8. The parties shall propose a form Plaintiff Fact Sheet and a service protocol on or before August 19, 2016.
9. Fact discovery on the issue of general causation shall be commenced in time to be completed by October 3, 2016.
10. Plaintiff Fact Sheets shall be filed no later than 90 days after the Court adopts the form Plaintiff Fact Sheet.
11. The parties shall propose a plan (*i.e.*, criteria and protocol) for the selection of bellwether cases on or before October 17, 2016.
12. The bellwether pool shall consist of cases filed in, removed to or transferred to this Court on or before December 19, 2016.
13. **Experts on General Causation:**
 - a. Initial expert reports and disclosures of the identity of expert witnesses under Rule 26(a)(2) shall be exchanged on or before December 1, 2016.
 - b. Rebuttal expert reports and disclosures of the identity of rebuttal expert witnesses shall be exchanged on or before February 1, 2017.
 - c. Depositions of expert witnesses must be completed on or before April 1, 2017.
14. Bellwether cases shall be selected on or before March 1, 2017.
15. Initial disclosures required by Rule 26(a)(1) that pertain to the bellwether-case-specific issues shall be completed on or before March 8, 2017.
16. Motions to amend the Master Long Form and Master Short Form Complaints to include punitive damages claims may be filed no later than April 21, 2017.
17. *Daubert* motions and other dispositive motions as defined under the Local Rules of this Court may be filed no later than June 15, 2017.
18. Bellwether-case-specific discovery shall be commenced no earlier than March 2, 2017, and shall be completed no later than July 1, 2017.
19. The first bellwether trial shall commence November 6, 2017.

In addition, per the parties' agreement, the next scheduled status conference in this Consolidated Action, currently set for Thursday, April 21, 2016, is hereby rescheduled for Friday, April 29, 2016 at 10:00 a.m. in Courtroom 12W, 12th Floor, U.S. Courthouse, 300 South Fourth Street, Minneapolis, MN 55415. There will not be a conference on April 21, 2016.

The Court DIRECTS the Clerk to send a copy of this Order to the Clerk of the Judicial Panel on Multidistrict Litigation, and counsel of record.

Dated: March 24, 2016

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge